IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 699 of 1994

For Approval and Signature:

Hon'ble MISS JUSTICE R.M. DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SHREE NILKAMAL FLATS CO.OP.HOUSING SOC. LTD.,

Versus

ADDITIONAL REGISTRAR (APPEALS)CO.OP SOC.AND ANR

Appearance:

MR CJ VIN for Petitioner No. 1

MR SIRAJ GORI AGP for Respondent No. 1-2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 15/01/2003

ORAL JUDGEMENT

Feeling aggrieved by the Order dated 28th February, 1993 made by the Additional Registrar [Appeal], Cooperative Societies in Revision Application No. 30 of 1992, the petitioner, a Cooperative Housing Society has

preferred the present petition.

It appears that the petitioner-Society was given registration under Order dated 19th November, 1983. The Additional Registrar [Appeals], Cooperative Societies took the said order dated 19th November, 1983 in suo motu revision and on 21st February, 1992 issued a notice to show cause why the said registration shall not be cancelled for the reasons recorded therein. The said notice remained unattended. Eventually, under the impugned order, the registration granted on 19th November, 1983 was cancelled. Feeling aggrieved, the petitioner has preferred the present petition.

The petition deserves to be allowed on the ground of delay and latches alone. The registration granted to the petitioner-Society on 19th November, 1983 was taken in suo motu revision on 21st February, 1992 i.e., after a delay of 8 years. Whatever be the infirmity in grant of registration, the necessary action ought to have been taken within reasonable time. The eight years' period by no stretch of imagination can be said to be a reasonable time. Besides, no explanation has comeforth from the State Government explaining the delay of 8 years caused in exercising the revisional powers suo motu.

Hence, the petition is allowed. The impugned order dated 28th February, 1993 [Annexure-E to the petition] is quashed and set-aside. Rule is made absolute. There shall be no order as to costs.

[Ms. R.M Doshit, J.]